



Order Filed on October 11, 2019
by Clerk U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
Caption in compliance with D.N.J. LBR 9004-1(b)

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*Counsel to the Debtors
and Debtors-in-Possession*

In re:

NEW ENGLAND MOTOR FREIGHT, INC.,
et al.,

Debtors.¹

Chapter 11


Case No. 19-12809 (JKS)

(Jointly Administered)

CONSENT ORDER

This consent order (the “Consent Order”) is made by and among Wells Fargo Equipment Finance, Inc. (“Wells Fargo”), the above-captioned debtors-in-possession (collectively, the “Debtors”), and the Official Committee of Unsecured Creditors appointed in the above-captioned chapter 11 cases (the “Committee” and, together with Wells Fargo and the Debtors, the “Parties”).

DATED: October 11, 2019



Honorable John K. Sherwood
United States Bankruptcy Court

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor’s taxpayer identification number are as follows: New England Motor Freight, Inc. (7697); Eastern Freight Ways, Inc. (3461); NEMF World Transport, Inc. (2777); Apex Logistics, Inc. (5347); Jans Leasing Corp. (9009); Carrier Industries, Inc. (9223); MyJon, LLC (4337); MyJon, LLC (7305); Hollywood Avenue Solar, LLC (2206); United Express Solar, LLC (1126); and NEMF Logistics, LLC (4666).

RECITALS

WHEREAS, on February 11, 2019 (the “Petition Date”), each of the above-captioned Debtors filed a voluntary petition for relief under chapter 11, title 11, United States Code, 11 U.S.C. §§ 101, *et seq.* (the “Bankruptcy Code”), in the United States Bankruptcy Court for the District of New Jersey (the “Bankruptcy Court”), thereby initiating the above-captioned chapter 11 cases (the “Chapter 11 Cases”). The Debtors, as debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code, are engaged in an orderly liquidation of their assets and wind-down of their businesses, toward the goal of preserving and maximizing the value of their assets for all creditors; and

WHEREAS, on or about February 25, 2019, the Office of the United States Trustee appointed the Committee; and

WHEREAS, on April 8, 2019, the Court entered the NEMF Auction Sale Order, which authorized the sale of Debtor New England Motor Freight’s (“NEMF”) “Equipment” (as defined in the NEMF Auction Sale Order) pursuant to an Engagement Agreement between the Debtors and T&M; and the Court having subsequently entered an Order in aid of the NEMF Auction Sale Order [Dkt. No. 629], which expanded the scope of the auctions by authorizing the sale of additional Equipment owned by Debtors other than NEMF; and

WHEREAS, from approximately late May 2019 through mid-July 2019, T&M sold the Equipment through auctions conducted at various locations (the “Auctions”); and

WHEREAS, certain Equipment and/or other property of the Debtors’ estates, specifically identified as unit 11508 company car year 2015 Ford Fusion vin# 3FA6P0SU6FR176135 (the “Collateral”), was not sold in the Auctions for various reasons including, upon information and belief, due to the Collateral (a company car) being used by one of the Debtors’ employees; and

WHEREAS, the Collateral consists of one company car in which Wells Fargo has a perfected security interest; and

WHEREAS, buyers for some or all of the Collateral are in the process of being identified, and the Parties now desire for the Collateral to be released to Wells Fargo and to be sold by Wells Fargo through a private sale with the cooperation and assistance of the Debtors and/or T&M, to the extent necessary and desirable by the Parties (but without cost to Wells Fargo unless specifically agreed to in writing between and/or among the parties); and

WHEREAS, the Parties having engaged in settlement discussions and now desire to terminate the automatic stay as to the Collateral as provided in this Consent Order.

NOW, THEREFORE, the Parties agree as follows:

1. The foregoing recitals are incorporated herein by reference.
2. The automatic stay is hereby terminated as set forth herein pursuant to Section 362(d) of the Bankruptcy Code as to the Collateral.
3. Wells Fargo shall be authorized to take immediate possession and control of the Collateral and liquidate the Collateral through commercially reasonable means and consistent with all applicable laws. The Debtors are authorized to provide cooperation and assistance to Wells Fargo as may be reasonably requested without cost to Wells Fargo unless specifically agreed to in writing between and/or among the Parties. After all of the Collateral has been sold, Wells Fargo shall provide the Debtors and the Committee with a report of the sale results as soon as reasonably practicable. To the extent the sale(s) conducted by Wells Fargo result in net proceeds greater than Wells Fargo's liens, all of the Debtors' and the Committee's rights with respect to those proceeds are hereby preserved.
4. This Consent Order may not be amended without the express written consent of all Parties

hereto and entry by the Bankruptcy Court of an amended order approving same.

5. This Consent Order shall be binding upon the Parties hereto and upon all of their affiliates, assigns and successors, including without limitation any bankruptcy trustee that might be appointed in the future.

6. The Bankruptcy Court will retain jurisdiction over all matters related to this Consent Order.

IN WITNESS WHEREOF, the Parties hereto have executed this Consent Order as of the date and year first written below and each such Party consents to the form and manner of this Consent Order.

Dated: October 10, 2019

GIBBONS P.C.

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Brett S. Theisen

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*Counsel to the Debtors
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Dated: October 10, 2019

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-and-

Dated: October 10, 2019

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United States Bankruptcy Court
District of New Jersey

In re:
New England Motor Freight, Inc.
Debtor

Case No. 19-12809-JKS
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 9

Date Rcvd: Oct 11, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 13, 2019.

db +New England Motor Freight, Inc., 1-71 North Ave E, Elizabeth, NJ 07201-2958
aty #+Brent C. Strickland, Whiteford, Taylor & Preston L.L.P., 7501 Wisconsin Avenue, Suite 700W,
Bethesda, MD 20814-6521
aty +Deloitte Consulting LLP, 111 S Wacker Dr, Chicago, IL 60606-4396
aty +Gibbons, P.C., One Gateway Center, Newark, NJ 07102-5321
aty Howard A. Cohen, Gibbons P.C., 300 Delaware Avenue, Suite 1015, Wilmington, DE 19801-1671
aty Jeffrey L. Nagel, Gibbons P.C., One Pennsylvania Plaza, 37th Floor,
New York, NY 10119-3701
aty +Todd M. Brooks, Whiteford, Taylor & Preston L.L.P., 7 St. Paul Street, Suite 1500,
Baltimore, MD 21202-1636
aty +WASSERMAN, JURISTA & STOLZ, P.C., 110 Allen Road, Suite 304,
Basking Ridge, NJ 07920-4500
aty +Whiteford Taylor & Preston, Seven Saint Paul St. Ste 1800, Baltimore, MD 21202-1639

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 13, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 11, 2019 at the address(es) listed below:
NONE. TOTAL: 0